Board of County Commissioners Agenda Request

7A
Agenda Item #

Requested Meeting Date: May 13, 2025

Title of Item: Public Hearing for Proposed Feedlot

☑ REGULAR AGENDA	**Action Requested:**	☐ Direction Requested
☐ CONSENT AGENDA	☐ Approve/Deny Motion	☐ Discussion Item
☐ INFORMATION ONLY	☐ Adopt Resolution (attach draft)	☑ Hold Public Hearing*
		**provide copy of hearing notice that was published*

Submitted by: Andrew Carlstrom	**Department:** Planning & Zoning
Presenter (Name and Title): Andrew Carlstrom, Environmental Services Director	**Estimated Time Needed:** 10 minutes

Summary of Issue:

Aitkin County has not accepted delegation of the Minnesota feedlot permit program, and in accordance with MN Statute 116.07 Subd.7(m) is required to hold a public hearing on feedlot proposals of 300 or more animal units.

As attached, public notice was published in the Aitkin Age on April 16 and May 7, 2025. Please see attached memorandum, maps, and proposed resolution

Alternatives, Options, Effects on Others/Comments:

N/A

Recommended Action/Motion:

Discussion Only - Hold Public Hearing

Financial Impact:

Is there a cost associated with this request? ☐ *Yes* ☑ *No*

What is the total cost, with tax and shipping? $

Is this budgeted? ☐ *Yes* ☐ *No* *Please Explain:*

Legally binding agreements must have County Attorney approval prior to submission.

Aitkin County Environmental Services Planning and Zoning
307 Second Street NW
Room 219
Aitkin, MN 56431
Phone: 218-927-7342
Fax: 218-927-4372

MEMORANDUM TO AITKIN COUNTY BOARD OF COMMISSIONERS

DATE: May 13, 2025

FROM: Andrew Carlstrom, Environmental Services Director – Planning & Zoning Administrator

RE: **Future proposed feedlot of greater than 300 animal units**

Aitkin County does not regulate nor has accepted delegation of the Minnesota Pollution Control Agency's (MPCA) feedlot permit program. Mr. Ken Sizemore, who owns and operates Angie's Meats, is proposing to construct a feedlot at 28096 480th Street, Palisade, MN 56469. The feedlot is proposed to be greater than 300 animal units, but less than 500 in size.

According to MN Statute 116.07 Subd.7 (m.) it says:

> *"After January 1, 2001, a county that has not accepted delegation of the feedlot permit program must hold a public meeting prior to the agency (MPCA) issuing a feedlot permit for a feedlot facility with 300 or more animal units, unless another public meeting has been held with regard to the feedlot facility to be permitted."*

Feedlots are a "permitting use" in "Open" zoning, so Aitkin County does not require a conditional use permit for this proposal. The MPCA is the approving authority and the Aitkin County Board of Commissioners can either support or not support the proposal. The applicant will work with a representative from the Feedlot Program, in order to ensure the health and safety of the environment is always a priority for this proposed project. Please see additional enclosures.

If you have any questions, please feel free to contact me at 218-927-7342 or by email at andrew.carlstrom@co.aitkin.mn.us.

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

PROPOSED May 13, 2025

By Commissioner: **20250513-xxx**

Aitkin County's Support for 300 or more Animal Unit Feedlot

WHEREAS, Minnesota Statute 116.07 Subd.7(m) requires counties that have not accepted delegation of the feedlot permit program, to hold a meeting prior to the Minnesota Pollution Control Agency (MPCA) issuing a feedlot permit for a feedlot facility with 300 or more animal units; and

WHEREAS, Mr. Ken Sizemore from Angie's Acres is proposing the creation of the above said feedlot at 28096 480th Street, Palisade, MN 56469; and

WHEREAS, the proposal meets the intent of encouraging a strong agricultural base which is in accordance with Aitkin County's Land Use Management Plan;

NOW, THEREFORE BE IT RESOLVED, that the Aitkin County Board of Commissioners does hereby support this proposal and the creation of a 300 or more animal unit feedlot at the above address.

Commissioner xxx seconded the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT All Members Voting

STATE OF MINNESOTA}
COUNTY OF AITKIN}

I, John Welle, County Engineer, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 13th day of May 2025, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 13th day of May 2025

John Welle
County Engineer

EAST CENTRAL MINNESOTA

-Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates indicated below. Please proof read carefully. If changes are needed, please contact us prior to deadline at Cambridge (763) 691-6000 or email at publicnotice@apgecm.com

Date:	04/08/25
Account #:	485996
Customer:	AITKIN COUNTY PLANNING & ZONING
Address:	307 2ND ST NW, ROOM 219 AITKIN
Telephone:	(218) 927-3761
Fax:	(218) 927-4372

Ad ID:	1463150
Copy LIne:	May 13 PH Feedlot
PO Number:	
Start:	04/16/25
Stop:	05/07/2025
Total Cost:	$72.00
# of Lines:	34
Total Depth:	3.778
# of Inserts:	2
Ad Class:	150
Phone #	(763) 691-6000
Email:	publicnotice@apgecm.com
Rep No:	MA700

Contract-Gross

Publications:
Aitkin Independent Age

Ad Proof

Not Actual Size

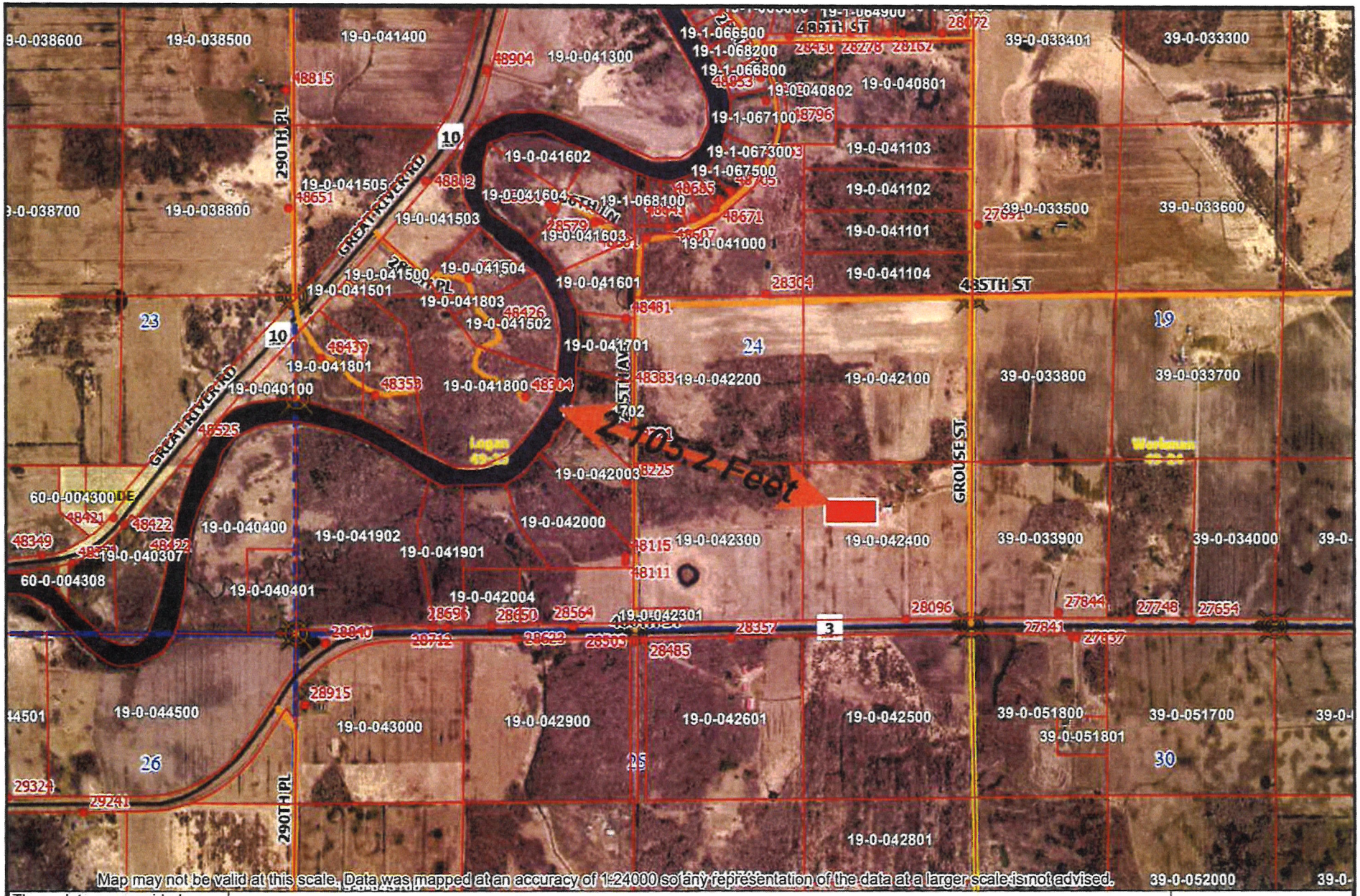
AITKIN COUNTY
NOTICE OF HEARING

The Aitkin County Board of Commissioners will hold a public hearing in accordance with MN Statute 116.07 Subd.7 (m), on May 13, 2025 at 10AM, in the Board Room of the Aitkin County Government Center, 307 2nd Street NW, Aitkin MN.

This public hearing is to gather public comment on the proposed construction of a feedlot greater than 300 animal units. Mr. Ken Sizemore, who owns and operates Angie's Acres, is proposing to construct a feedlot at 28096 480th Street, Palisade, MN 56469. The feedlot is proposed to be greater than 300 animal units, but less than 500 in size.

Currently, Aitkin County does not regulate nor has accepted delegation of the Minnesota Pollution Control Agency's (MPCA) feedlot permit program.

Published in the
Aitkin Independent Age
April 16, May 7, 2025
1463150



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

N

Sizemore Feedlot

28096 480th STREET
PALISADE, MN. 56469

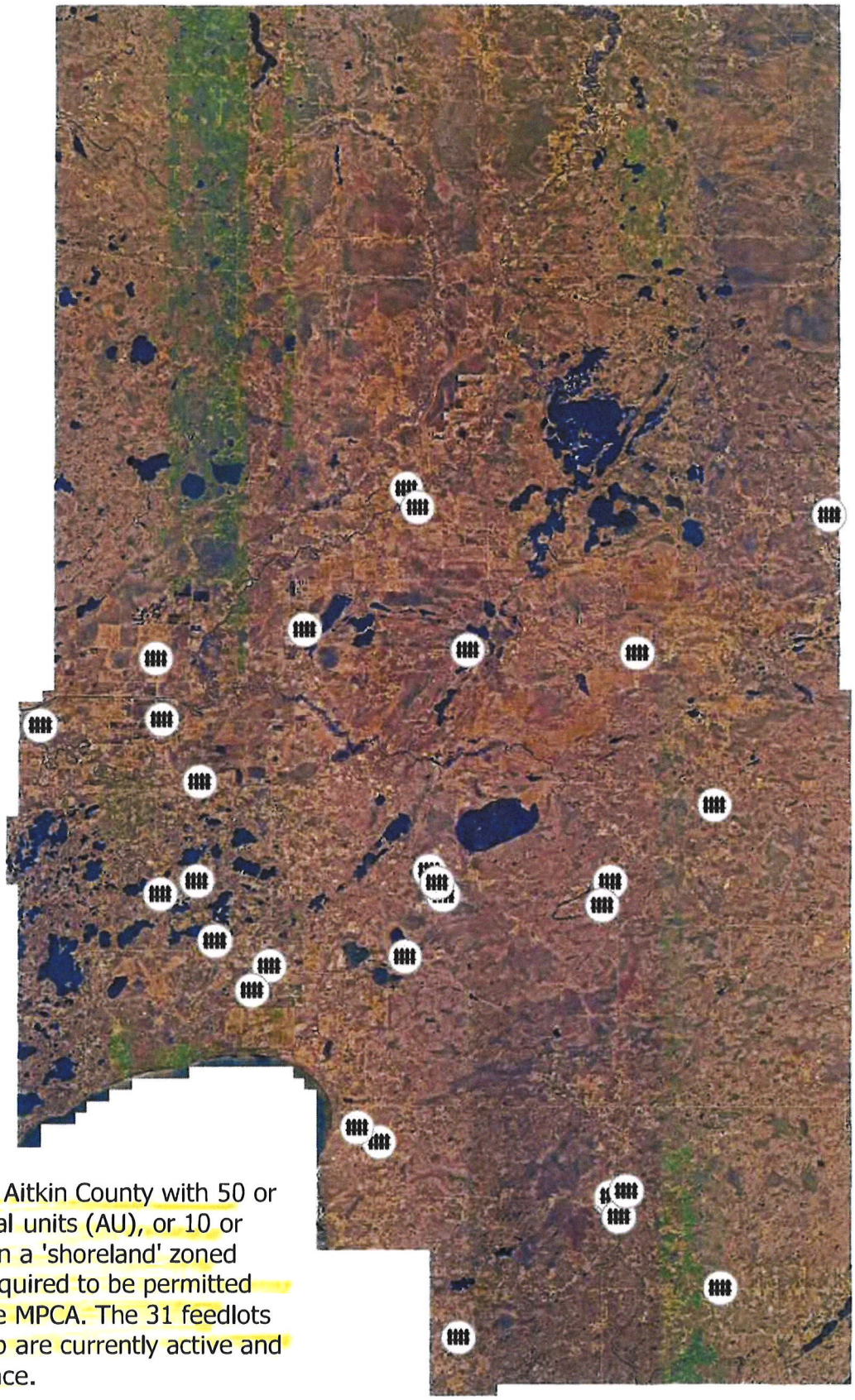
1:18,056

0 0.1 0.2 mi

AITKIN COUNTY

Date: 2/14/2025

Active Feedlots in Aitkin County



Feedlots in Aitkin County with 50 or more animal units (AU), or 10 or more AUs in a 'shoreland' zoned area are required to be permitted through the MPCA. The 31 feedlots on this map are currently active and in compliance.

Active Aitkin County Feedlots

FID	Area	Owner	Address	Au Count
0	Aitkin	Kevin Hoge	32413 280th Place	72.45
2	Aitkin	BRANDON ROBERTS	41469 Osprey Avenue	404
4	Aitkin	Terry Paulson	39714 391st Ln	217.5
5	Aitkin	Timothy E Hanson	28209 Dam Lake St	21
10	Aitkin	Robert J Nelson	31446 Oak Ave	20
11	Aitkin	Roger A Hanson	27591 Dam Lake St	0
13	Aitkin	Ronald Dotzler	38814 455th Pl	120
16	Aitkin	Lila Flowers	28319 350th Ave	77
17	Aitkin	Gene Davies	36361 380th Ave	32.2
19	Aitkin	Nordland Cattle & Timber Co	37489 295th St	285
23	Aitkin	Angie's Acres LLC	43052 Nature Ave	400
26	Aitkin	William Sexten	38019 Deer St	46.66
27	Aitkin	Joe Croatt	29271 288th Ln	1.7
28	Aitkin	David Rogers	27246 360th Ave	30.9
14	Finlayson	Boyd Mensing	15538 State Highway 18	21.365
3	Isle	Larry Templin	12152 270th Ave	202
8	Isle	Geoffrey Springer	30355 202nd Lane	4.8
9	Isle	Larry Templin	12152 270th Ave	78
21	Isle	Robert Roseberg	31201 210th Ln	135
25	Mc Grath	Gregory Zimpel	18254 State Highway 65	66.036
6	McGrath	Chris Moser	17191 State Highway 65	196
7	McGrath	Chris Moser	17191 State Highway 65	343
22	McGrath	Chris Moser	17191 State Highway 65	353.5
1	McGregor	Matt Wayrynen	31936 State Highway 65	153
12	McGregor	Lucas Hauser	26089 420th Ln	46.8
18	McGregor	Hedy Hietalati	35427 Kestrel Ave	0
24	McGregor	Laurence Koehler	30787 State Highway 65	30
30	McGregor	Brent C Amundson	41823 185th pl	50.4
20	Palisade	Brandon Kullhem	49890 Great River Rd	26.1
29	Palisade	Marilyn Ruud	42926 330th Ave	48
15	Tamarack	Diamond Willow Dairy	47675 100th Ave	89

Map Unit Legend

NOT WETLAND SOILS

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
124	Brickton silt loam	151.6	55.7%
133B	Dalbo very fine sandy loam, 1 to 6 percent slopes	51.2	18.8%
672	Willosippi loam	39.2	14.4%
1878	Hamre muck	19.3	7.1%
B39A	Meehan loamy sand, 0 to 3 percent slopes	4.3	1.6%
B108A	Cathro muck, occasionally ponded, 0 to 1 percent slopes	6.8	2.5%
Totals for Area of Interest		**272.3**	**100.0%**

Hydric soil rating: Yes

Minor Components

Dalbo
Percent of map unit: 8 percent
Hydric soil rating: No

Hassman
Percent of map unit: 3 percent
Landform: Depressions
Hydric soil rating: Yes

Sandy substratum
Percent of map unit: 2 percent
Landform: Flats
Hydric soil rating: Yes

Hamre
Percent of map unit: 2 percent
Landform: Depressions
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Aitkin County, Minnesota
Survey Area Data: Version 25, Sep 7, 2024

Soil Map—Aitkin County, Minnesota

Other vegetative classification: Sloping Upland, Neutral (G088XN002MN)
Hydric soil rating: No

Minor Components

Brickton
Percent of map unit: 5 percent
Landform: Flats
Hydric soil rating: Yes

Well drained soils
Percent of map unit: 2 percent
Hydric soil rating: No

Sandy substratum
Percent of map unit: 1 percent
Hydric soil rating: No

Cathro
Percent of map unit: 1 percent
Landform: Bogs
Hydric soil rating: Yes

Hassman
Percent of map unit: 1 percent
Landform: Depressions
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Aitkin County, Minnesota
Survey Area Data: Version 25, Sep 7, 2024

MINNESOTA POLLUTION CONTROL AGENCY

www.pca.state.mn.us

Livestock and the environment

MPCA Feedlot Program overview

In Minnesota there are an estimated 18,000 livestock feedlots registered under the state's feedlot rule. They range in size from small farms to large-scale commercial livestock operations. Agriculture including livestock comprises a major portion of the state's economy. Many organizations and programs work with livestock producers to ensure that Minnesota continues to have a healthy livestock industy and a healthy natural environment.

The Minnesota Pollution Control Agency (MPCA) regulates the collection, transportation, storage, processing and disposal of animal manure and other livestock operation wastes. The MPCA Feedlot Program implements rules governing these activities, and provides assistance to counties and the livestock industry. The feedlot rules apply to most aspects of livestock management including the location, design, construction, operation and management of feedlots and manure handling facilities.

The MPCA feedlot staff are located in six offices: Brainerd, Detroit Lakes, Mankato, Marshall, Rochester, and St. Paul. They work in the areas of land application of manure, permitting, data management, technical assistance, and compliance with feedlot rules. On the web: www.pca.state.mn.us/water/feedlots.

Protect water

There are two primary concerns about feedlots in protecting water in our agricultural areas:

- Ensuring that manure on a feedlot or manure storage area does not run into water;
- Ensuring that nutrient-rich manure is applied to cropland at a rate, time and method that prevents nutrients and other possible contaminants from entering streams, lakes and ground water.

The MPCA works with farmers to make sure their feedlots are environmentally safe. Staff provides technical assistance to farmers, and conducts inspections at feedlots to be certain they comply with environmental requirements. Some of those requirements for feedlots include:

- Construction specifications for manure storage areas;
- Manure management plans for medium and large-sized feedlots; and
- Land application of manure on fields.

Feedlot rule

Feedlot rules have been in effect in Minnesota since the early 1970s. In October 2000 a major revision of the feedlot rule (Minn. R. ch. 7020) went into effect, followed by an update in 2014. The main goals are:

- Register all feedlots capable of holding 50 or more animal units (AU-see page 4), or 10 or more animal units within shoreland areas;
- Focus on animal feedlots and manure storage areas that have the greatest potential for environmental impact;
- Support the role of delegated counties in the feedlot program; and
- Maintain agency and delegated-county staff field presence.

The feedlot rule does not specifically regulate pasture operations; however, they still must abide by Minnesota Rules chapter 7050 prohibiting pollution of state waters.

Delegated county program

In 50 counties (current as of January 2021) the feedlot program is conducted through a cooperative arrangement between the MPCA and county government. County feedlot programs have responsibility for implementing state feedlot regulations for facilities with fewer than 1,000 animal units (AU) that are not subject to state or federal operating permit requirements. These responsibilities include: registration, permitting, inspections, education and assistance, and complaint follow-up. Current map of delegated counties: www.pca.state.mn.us/sites/default/files/wq-f1-12.pdf

Delegated counties receive state grants to help fund their programs. Funds are awarded based on the number of feedlots in the county with more than 50 AU (10 or more AU in shoreland) and the level of inspections completed. In recent years annual grants statewide have totaled nearly $2 million. Delegated counties work together through the Minnesota Association of County Feedlot Officers: www.pca.state.mn.us/water/minnesota-association-county-feedlot-officers

Feedlot permits

Most smaller-sized feedlots are not required to have permits. Most large feedlots operate with state and federal permits. The National Pollutant Discharge Elimination System (NPDES) permit and the State Disposal System (SDS) permit require specific conditions to comply with state law and the federal Clean Water Act. Of the approximately 1,200 feedlots operating with an NPDES or SDS permit, most have a general permit; about 50 have individual permits. A general permit is a single document that can apply to all livestock facilities whose operations are similar. The MPCA or delegated counties also issue permits for feedlot construction, and interim permits allowing feedlots with pollution problems to operate in a two-year period during which the problems are corrected.

Nutrient and manure management

Livestock manure is a valuable resource if managed properly. It has been estimated that the amount of manure generated by livestock in Minnesota would be equivalent to that of a human population of about 50 million. Land application removes livestock manure from feedlots and provides fertilizer for crops. There are many ways to ensure that land-applied manure does not run off into waters, and is not over-applied beyond crop nutrient needs. Manure management plans are required when producers need to apply for a feedlot permit, or when a facility has 300 or more AU and does not use a licensed commercial applicator. Manure management plans help ensure that application rates do not exceed crop nutrient needs, and that setbacks from waters and drain tile intakes are observed.

Environmental assessment at large feedlots

An environmental assessment looks at how a proposed feedlot project will affect the air, water and land, and at ways to mitigate any problems so that the project can go forward and be environmentally safe. Environmental Assessment Worksheets (EAWs) are mandatory for proposed feedlots over 1,000 AU, or over 500 AU in a sensitive area. More information is available on the Environmental Quality Board Web site: www.eqb.state.mn.us/.

Pasture

Pastures are a common type of livestock operation. Typical examples include beef grazing and cow/calf operations. A pasture operation is not required to have a feedlot permit. Distinguishing pastures from feedlots is not always easy. Some operations include both pasture and feedlot components. An area of an operation with accumulated manure and a lack of vegetative cover beyond the immediate vicinity of supplemental feeding or watering devices, working areas, or access lanes, will not be considered to be pasture.

Winter feeding areas are exempt from feedlot rules, but they must be part of a larger grazing area where grass or other growing plants are used for grazing. Even if an operation is not required to get a permit because it is considered to be pasture, that operation is not allowed to discharge to waters of the state. For example, a pasture with a flow of manure-contaminated runoff from a supplemental feeding or watering area to a stream will be required to terminate the discharge. Seasonal or crop residue grazing may also be considered pasture. However, if the concentration of animals is such that unvegetated "feedlot" conditions develop and adequate forage is not available for livestock, requiring regular feed to be provided, the MPCA will require a feedlot permit for animals confined on cropland.

Air quality

As some livestock operations have grown larger and more people are living near livestock farms, odor (particularly hydrogen sulfide) has become an issue. There are regulations for hydrogen sulfide, which can be toxic at high levels. The MPCA does not regulate odor in general; however some local units of government may have restrictions related to odor.

The MPCA does regulate hydrogen sulfide emissions and requires the following:

- Requiring odor management plans to be included in the permits of large feedlots; and
- Monitoring hydrogen sulfide emissions at feedlots where there have been odor complaints.

Training and technical assistance

The MPCA provides training opportunities and assistance to counties and livestock producers. County feedlot officers receive inspection and permitting training, covering all aspects of the program. MPCA technical staff conduct workshops and presentations for county staff and producer groups.

Contacts

Contact information for feedlot program staff is available at www.pca.state.mn.us/water/mpca-feedlot-staff-contacts, or by calling the MPCA at 651-296-6300, or 800-657-3864.

For more information

Producer organizations also provide environmental management information to their members. The following Web sites are good information sources for feedlots and manure management:

- Manure and Odor Education Research – University of Minnesota Extension: extension.umn.edu/livestock-operations/manure-management.
- Minnesota Department of Agriculture: www.mda.state.mn.us/siting-livestock-farms-minnesota.
- National Agriculture Compliance Assistance Center: www.epa.gov/oecaagct/anafocom.html.

Animal units

Minnesota uses animal units to quantify the size of livestock feedlots. One animal unit is equivalent to the amount of manure produced by a 1,000-lb. steer. Following is a list of animal unit factors for several livestock types. The number livestock times the animal unit factor gives the number of animal units.

Mature dairy cow over 1,000 lbs	1.4	AU
Cow/calf pair	1.2	"
Stock cow/steer	1.0	"
Horse	1.0	"
Dairy heifer	0.7	"
Swine 55-300 lbs	0.3	"
Sheep	0.1	"
Broiler (over 5 lbs., dry manure)	0.005	"
Turkey over 5 lbs.	0.018	"

(Example: 3,334 market hogs = 1,000 AU)

MINNESOTA POLLUTION CONTROL AGENCY

www.pca.state.mn.us

Notification requirements for feedlots

Feedlot owners are required to complete governmental and possible neighborhood notifications prior to construction or expansion of animal feedlots and manure storage areas. It is important to know that an expansion includes any activity that increases animal unit (AU) or manure storage capacity and may or may not involve construction (e.g. adding more animals to an existing barn).

All feedlots, regardless of size, must notify all local zoning authorities at least 30 days prior to construction or expansion or a feedlot or manure storage area. This notice must include the same content as the good neighbor notice outlined below and must be done even when other notifications or permits are required

Additional notification requirements are based upon the number of AUs at the feedlot.

- **Feedlots with less than 300 AU** must notify the delegated county feedlot officer or Minnesota Pollution Control Agency (MPCA) at least 30 days prior to construction or expansion.
  - This notification must be completed by submitting the standardized form *Notice of construction or expansion of an animal feedlot with less than 300 animal units.*
  - An application for a feedlot permit (i.e. Interim permit) satisfies this notification requirement.
- **Feedlots with 500 or more AU** must notify all residents and property owners within 5,000 feet prior to construction or expansion. This is commonly referred to as the "good neighbor notice" and is required regardless of the type of permit coverage. A copy of this notice must also be sent to the township clerk.

Good neighbor notice

The good neighbor notice is required when any of the following apply:

- Construction of a new animal feedlot or manure storage area with a capacity of 500 or more AU at a new location (i.e. new feedlot site).
- Expansion at an existing animal feedlot or manure storage area that results in an animal holding or manure storage capacity of 500 or more AU upon completion.
- Expansion at an existing animal feedlot or manure storage area that currently has animal holding or manure storage capacity of 500 or more AU.

Construction activities at existing feedlots that do not increase animal holding or manure storage capacity, do not need this type of notification to the public. Below are some common examples:

- Construction of a feed storage area or commodity shed
- Construction of a dead animal management area (e.g. dead box, compost bunker, etc.)
- Construction of a barn to replace an open lot or calf hutches without increasing animal holding capacity

Even though a good neighbor notice may not be needed, a feedlot permit may be required before construction.

Performing the good neighbor notice

Completion of the good neighbor notice can be accomplished by any of the following:

- Delivery by first class mail (must send via certified mail – see verification section below)
- In person
- Publication in a newspaper of general circulation within the affected area
- Equal notification required as part of a county or township permit process

It is recommended the good neighbor notice be completed early in the planning process as the feedlot permit can only be issued after 20 business days have passed from the date of the notice.

Required good neighbor notice content

The notification must include the following information:

- Owner name or legal facility name
- County, township, section, and quarter section
- Species of livestock and total animal units
- Types of animal holding areas (e.g. total confinement barns, open lots, etc.)
- Types of manure storage areas (e.g. concrete pit, earthen basin, etc.)
- Note: Dimensions of structures are optional.

An example newspaper notice is provided below.

- An existing feedlot should first list the existing feedlot information and then describe the proposed expansion to the facility.
- A new feedlot would describe the proposed facility and would remove the proposed expansion information from the example notice.

NOTICE OF APPLICATION FOR A LIVESTOCK FEEDLOT PERMIT

Notice is hereby given per Minnesota Statutes, Chapter 116, that {LEGAL NAME OF FACILITY}, has made application to the Minnesota Pollution Control Agency or the County of {COUNTY NAME} for a permit to construct or expand a feedlot with a capacity of 500 animal units or more.

The {EXISTING or PROPOSED} feedlot is located in {1/4 SECTION, SECTION, TOWNSHIP, and COUNTY}. The {EXISTING or PROPOSED} facility consists of {SPECIES, TYPES, NUMBERS, AND ANIMAL UNITS; TYPES OF BUILDINGS AND/OR OPEN LOTS; AND TYPES OF MANURE STORAGE AREAS}. The proposed expansion consists of {SPECIES, TYPES, NUMBERS, AND ANIMAL UNITS; TYPES OF BUILDINGS AND/OR OPEN LOTS; AND TYPES OF MANURE STORAGE AREAS}. The final capacity will be {TOTAL AU} animal units.

This publication shall constitute as notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot as required by Minnesota State Law.

Verification of good neighbor notice

The permit applicant must submit to the MPCA, or delegated county, proof that the good neighbor notice was completed. Proof that the notice was completed can be provided by any of the following:

- List of all parties visited in person with date and their signature
- List of all parties visited with certification signed by notary public indicating in detail what was discussed
- List of all parties with certified mail report of delivery or attempted delivery (return receipt optional)
- Affidavit of publication from the newspaper used to provide notification

The feedlot permit can only be issued after 20 business days have passed from the date of the notice.

Public notification by the MPCA

In addition to the notifications discussed in this fact sheet, the MPCA is required to public notice its intent to issue, reissue, or modify coverage under a National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permit. This notice period is generally 30 days and allows for public participation in the permit process, including the opportunity to submit written comments. The MPCA prepares this notice and posts it to its website at: www.pca.state.mn.us/public-notices.

For more information

For more information on which type of feedlot permit is required in conjunction with the notification requirements visit: https://www.pca.state.mn.us/water/which-permit-do-i-need.

For more information about the feedlot program visit: www.pca.state.mn.us/feedlots

MINNESOTA POLLUTION CONTROL AGENCY

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NPDES and SDS permits for feedlots

Determining when a permit is required

A National Pollutant Discharge Elimination System (NPDES) permit is required for any facility that currently has capacity, or is proposing to have capacity, that meets or exceeds any one of the federal large confined animal feeding operation (CAFO) thresholds and discharges to waters of the United States. Discharge means the addition of a pollutant to waters. Common discharges include the release of animal manure or manure-contaminated runoff or process wastewater from an open lot, manure storage area, land application site, or feed storage area.

A State Disposal System (SDS) permit is required for any facility that currently has capacity, or is proposing to have capacity, for a total of 1,000 or more animal units (AU). A facility that is required to obtain an SDS permit may choose to obtain an NPDES permit in lieu of the SDS permit. The following table and chart will help you decide if an NPDES or SDS permit is required.

Table: Common large CAFO and 1,000 animal unit feedlots

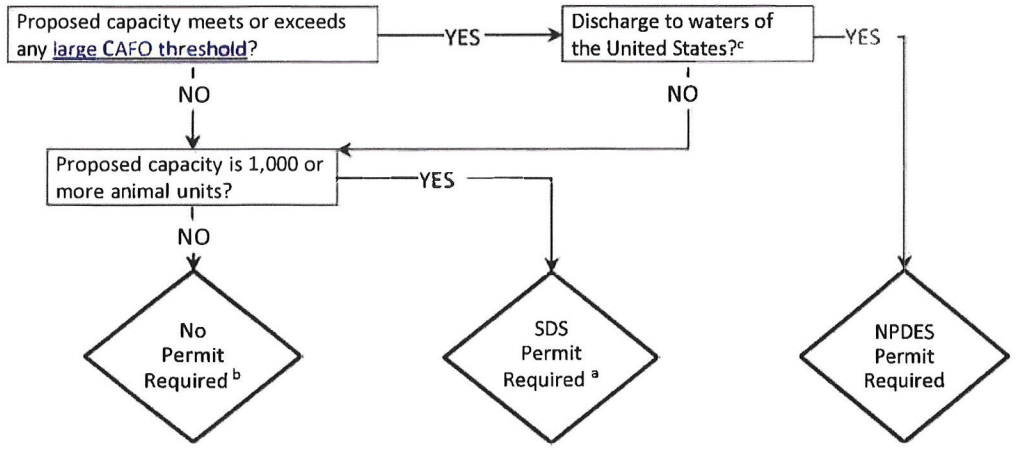
Animal type	Large CAFO threshold (Head count)	Animal unit factor (AU per head)	1,000 animal units [a] (Head count)
Mature Dairy Cows	700	1.4	715
Beef Cattle (steers) [b]	1,000	1.0	1,000
Heifer or Background Feeder [b]	1,000	0.7	1,429
Swine - Finishing	2,500	0.3	3,334
Broiler Chickens >5 lb.	125,000	0.005	200,000
Turkeys >5 lb.	55,000	0.018	55,556

a The AU numbers from multiple animal types are counted in aggregate to determine the total AU of the facility.

b All cattle, other than mature dairy cows, are counted in aggregate for the large CAFO threshold.

Flow chart to determine if NPDES or SDS permit coverage is required

(Local permits also may be required; check with local zoning authorities.)



a An NPDES permit can be issued in lieu of an SDS permit

b A construction short form (CSF) permit or interim permit may be required – see Minn. R. 7020.0405

c Common discharges include a release from an open lot, manure storage area, land application site, or feed storage area

Comparison of NPDES and SDS permits

Similarities

In general, NPDES and SDS permits have similar construction, operation, and maintenance permit conditions. They also have similar application processing procedures, including:

- Thirty day public notice required prior to issuance and major modifications.
- Permit modification for substantial changes to a Manure Management Plan (MMP) including:
  - The addition of new acreage to the MMP;
  - The addition of any crop, and its corresponding rates of application for nitrogen and phosphorus, not included in the methodology portion of the MMP;
  - The addition of application methods not accounted for in the methodology portion of the MMP;
  - Changes to the methodology portion of the MMP that will result in an increase to the maximum field-specific annual rates for nitrogen and phosphorus derived from all sources for each crop, or;
  - Changes in handling, storage, or treatment of manure that affects rates of application.
- Permit application fees and annual fees as outlined in the chart below:

	General permit	Individual permit
Issuance	$620	$1,860
Re-issuance (no changes to the facility)	$620	$620
Major and minor modifications[a]	$620	$1,860
Substantial MMP modifications[a]	$620	$1,860
Annual permit fee	$345	$1,230

a See *Modification of NPDES and SDS Feedlot Permits* for more information about major, minor, and MMP modifications

Differences

NPDES permit:

- Contains both state and federal requirements for construction, operation, and maintenance
- Issued for a 5-year term
- Authorizes a discharge to waters of the United States due to excessive rainfall events
- Compliance with the permit assures that a discharge related to land application activities will qualify for the agricultural stormwater exemption afforded within federal rule.
- Separate NPDES construction stormwater permit coverage is not required.
  - Stormwater requirements are included within feedlot permit. (no additional fee)
- 14-day public notice required for substantial MMP changes
- Requires nitrogen BMPS for manure application October 1 – October 15
- Requires planting of a cover crop when manure is applied in September
- Prohibits manure application in March when soils are frozen or snow covered

SDS permit:

- Contains only state requirements for construction, operation, and maintenance
- Issued for a 10-year term
- No discharge to waters of the United States in any circumstance
- No assurance that a discharge related to land application activities will qualify for the agricultural stormwater exemption afforded within federal rule.
- NPDES construction stormwater permit required for disturbance of five or more acres.
  - Separate permit application and application fee required.
  - For construction that disturbs less than five acres the permittee is automatically granted coverage under the general NPDES stormwater permit and must follow all applicable requirements.

Why choose an NPDES permit when not required

The owner of a large CAFO should consider maintaining coverage under an NPDES permit even when not required as the NPDES permit offers some considerable benefits.

- An NPDES permit contains all necessary requirements to allow the owner to qualify for an exemption (agricultural stormwater) within federal law for any discharges related to land application activities.
  - An owner of a large CAFO that does not obtain an NPDES permit will be responsible for determining and ensuring with proper documentation that the facility qualifies for this exemption.
- An NPDES permit offers protection from citizen lawsuits under the Clean Water Act.
  - An owner of a large CAFO that does not obtain an NPDES permit would be subject to citizen lawsuits in response to a discharge to water of the United States under any circumstances, including those instances related to chronic or extreme rainfall events. Additionally the owner would also be subject to legal action for failure to obtain a permit to authorize the discharge.
- An NPDES permit eliminates confusion between waters of the United States and waters of the State
  - An SDS permit does not authorize discharge to waters of the United States under any circumstances.
  - An NPDES permit allows discharges resulting from chronic rainfall events or runoff from a field that has received manure are allowed regardless if the discharge is to waters of the United States or waters of the State. This eliminates any potential confusion between the two types of waters.
- A NPDES permit for feedlots with 1,000 or more AU does not increase annual permit fees.
  - Feedlots with 1,000 or more AU that do not obtain an NPDES permit are still required to comply with the federal effluent limitations, including the requirement that the feedlot be designed and operated to contain all manure, litter, and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour rainfall event.
  - Given the identical discharge standards, the NPDES permit provides the aforementioned benefits without an increase in annual permit fees, compared to the SDS permit.

Options for sites that need to re-apply for NPDES or SDS permit coverage

Owners of existing feedlots with NPDES or SDS permit coverage may desire to change the type of permit coverage they maintain or even terminate permit coverage when it comes time to re-apply for continued NPDES or SDS permit coverage.

Neither NPDES nor SDS permit required

When neither NPDES nor SDS permit coverage is required, the owner may terminate their permit using the online notification of permit termination service at: https://rsp.pca.state.mn.us/. A termination request is required even if permit coverage has expired, otherwise the MPCA may continue to contact you about your expired permit coverage.

Maintain the same type of permit coverage

When the owner desires to maintain the same type of permit coverage, the owner will simply need to re-apply for the same type of permit coverage 180 days prior to expiration of their current permit coverage. All NPDES and SDS permit actions are required to use the online feedlot permit application service: https://webapp.pca.state.mn.us/services/login/.

Convert permit coverage from NPDES to SDS or vice-versa

The owner can apply for issuance of the desired permit at any time; however this most commonly occurs when the owner is required to re-apply for either NPDES or SDS permit coverage. The owner can simply apply for the type of permit they desire to switch to and upon issuance of the new type of permit coverage the previous type of permit coverage will automatically be terminated. All NPDES and SDS permit actions are required to use the online feedlot permit application service: https://webapp.pca.state.mn.us/services/login/.

Examples of permit scenarios

The following scenarios identify the permit options for common permitting situations:

Scenario 1

An existing feedlot houses 3000 finishing hogs (900 AU) in total confinement barns with concrete manure storage pits below the barns. There is no discharge from the facility under normal operating conditions. The facility has current coverage under the general NPDES permit.

> **Required permit:** This feedlot is a large CAFO that does not discharge and has less than 1,000 animal units; therefore, neither an NPDES nor SDS permit is required. The owner has the option to either continue coverage under an NPDES permit or terminate permit coverage. Even though there is a limited possibility of discharge from the facility, consideration should be given to maintaining coverage under an NPDES permit to address potential concerns over possible discharges from land application activities.

Scenario 2

The facility is a cattle operation that houses 3,000 steers (3,000 AU) on open lots where runoff is directed to a liquid manure storage area to prevent a discharge to surface waters.

> **Required permit:** This facility is a large CAFO and has more than 1,000 animal units; therefore, an SDS permit is required. The owner may choose to obtain an NPDES permit in lieu of the SDS permit. Consideration should be given to maintaining coverage under an NPDES permit as an extreme rainfall event could lead to a discharge from an overflow of the liquid manure storage area.

Scenario 3

An existing 500-cow (700 animal units) dairy is proposing to add another 500 cows (700 animal units) to the operation, for a total of 1,000 cows, or 1,400 animal units. Manure and process wastewater will be stored in an existing manure storage basin that will also be expanded. There are no open lots and site is designed not to discharge.

> **Required permit:** Currently the feedlot is not a large CAFO and does not exceed 1,000 animal units, so neither an NPDES nor an SDS permit is currently required. However, the feedlot is proposing to expand and will be a large CAFO that also exceeds 1,000 animal units. As a result, the owner is required to apply for an SDS permit, with the option of obtaining an NPDES permit. Consideration should be given to maintaining coverage under an NPDES permit as an extreme rainfall event could lead to a discharge from an overflow of the liquid manure storage area.

Scenario 4

The facility is a 1,200-head heifer raising operation (840 AU) that houses the animals on open lots with runoff leaving the site through vegetation and eventually entering a stream.

> **Required permit:** The proposed site is a large CAFO but not over 1,000 AU. As the runoff is being discharged to waters of the United States, an NPDES permit is required. Only an NPDES permit can authorize a discharge to waters of the United States.

More information

For more information, please contact your regional MPCA office feedlot staff. Contact numbers for MPCA regional office staff are located on the MPCA feedlot program website at https://www.pca.state.mn.us/water/mpca-feedlot-staff-contacts.

For additional feedlot program information, including information about applying for a NPDES or SDS permit, visit the MPCA feedlot program homepage at https://www.pca.state.mn.us/feedlots.

MINNESOTA POLLUTION CONTROL AGENCY

www.pca.state.mn.us

Animal feedlot construction short-form permit

Construction or expansion at feedlots with 300-999 animal units

The construction short-form permit (CSF permit) is issued for construction or expansion of animal feedlots and manure storage areas that will have a capacity of 300 to 999 animal units (AU) after construction or expansion.

Do I need a CSF permit?

To determine if a CSF permit is appropriate for your facility, answer the following questions:

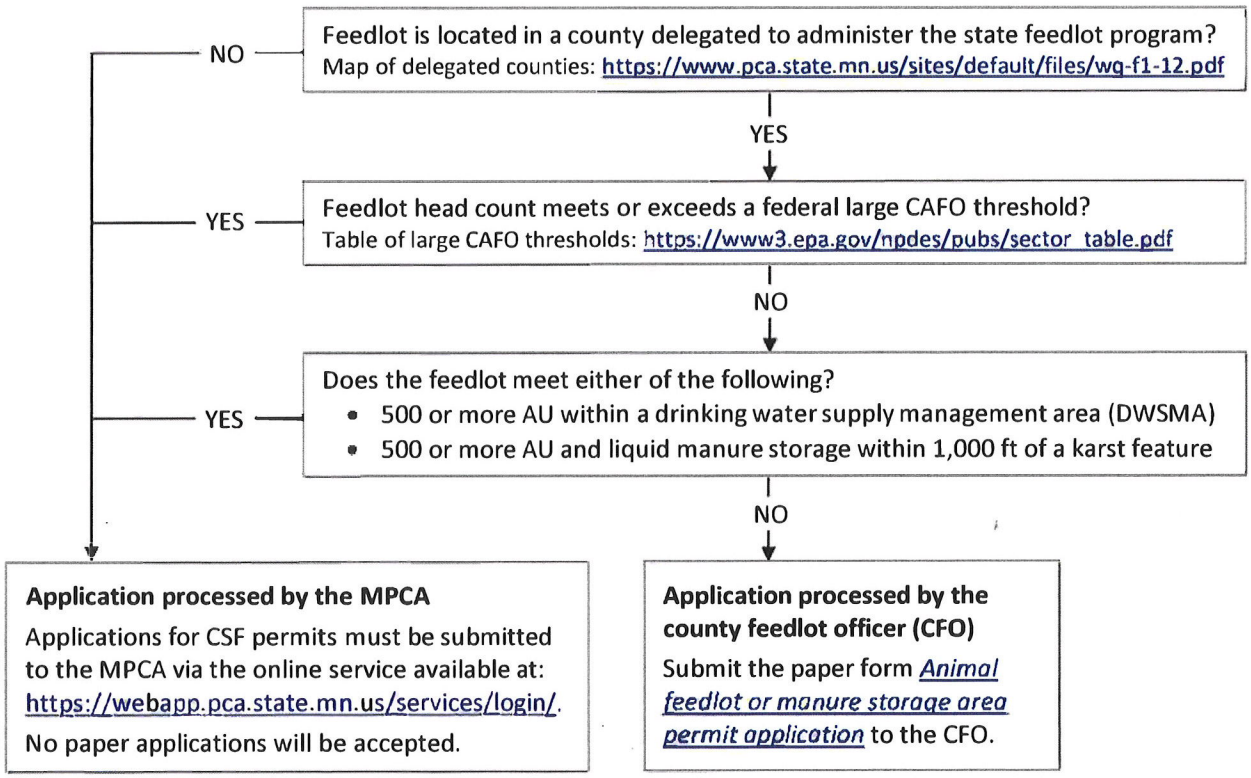
- Does the facility discharge to waters of the U.S. and exceed any of the federal large CAFO thresholds? [a]
- Does the facility currently or after a proposed expansion have the capacity to house 1,000 or more AU? [a]
- Has a part of the facility been identified as a pollution hazard by MPCA staff or the County Feedlot Officer (CFO) during a site inspection?

[a] The *How Many Animal Units* spreadsheet available on the MPCA website will help you determine the total animal units for your facility and if your facility exceeds a large CAFO threshold.

If you can answer "no" to the three questions above the CSF permit is appropriate.

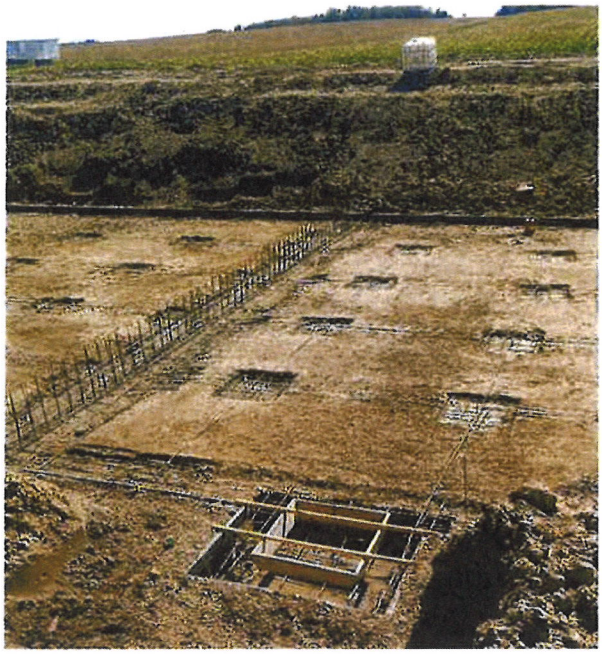
Applying for a CSF permit

- Use the flow chart below to determine how to apply for a CSF permit.



Duration of the permit

CSF permits expire after 24 months. An extension of an additional 24 months may be requested if construction has not been completed. This extension must be requested at least 90 days prior to the expiration date of the permit. If the CSF permit expires and construction has not yet started, the owner must complete and submit a new permit application for the proposed construction.



Liquid manure storage area under construction

Construction notifications

Construction may begin after permit issuance, provided proper pre-construction notices have been given. Notice must be given three business days prior to starting construction or expansion of any of the following:

- Liquid manure storage areas (LMSA)
- Permanent manure stockpiles
- Poultry barns

Notice must also be given three business days prior to completion of construction of these same structures. For LMSAs with vertical concrete walls, the completion notice must also occur prior to backfill against the concrete walls.

For LMSAs, the owner must submit a final construction report within 60 days of the completion of construction.

Other notifications

As part of the permit approval process, owners proposing to construct or expand capacity to 500 AU or more are required to notify all resident and owners of real property within 5,000 of the perimeter of the site. For more information on the requirements of this notice, see the fact sheet *Public notification requirements for feedlots.* This notice must be done at least 20 business days prior to permit issuance.

Other feedlot permits

Sites with a capacity of less than 300 AU are required to submit a *Notice of construction or expansion of an animal feedlot with less than 300 animal units* at least 30 days prior to construction or expansion.

Sites that exceed the large CAFO threshold may be required to obtain a national pollutant discharge elimination system (NPDES) permit. Sites with 1,000 AU or more are required to obtain a state disposal system (SDS) permit or NPDES permit. For more information on SDS and NPDES permits, see the fact sheet titled *NPDES and SDS permits for feedlots.*

For more information

For more information about the feedlot program, visit the MPCA website at: www.pca.state.mn.us/feedlots.

Regulatory Definitions of Large CAFOs, Medium CAFO, and Small CAFOs

A **Large CAFO** confines at least the number of animals described in the table below.

A **Medium CAFO** falls within the size range in the table below and either:

- has a manmade ditch or pipe that carries manure or wastewater to surface water; **or**
- the animals come into contact with surface water that passes through the area where they're confined.

If an operation is found to be a significant contributor of pollutants, the permitting authority may designate a medium-sized facility as a CAFO.

A **Small CAFO** confines fewer than the number of animals listed in the table **and** has been designated as a CAFO by the permitting authority as a significant contributor of pollutants.

Animal Sector	Size Thresholds (number of animals)		
	Large CAFOs	Medium CAFOs[1]	Small CAFOs[2]
cattle or cow/calf pairs	1,000 or more	300 - 999	less than 300
mature dairy cattle	700 or more	200 - 699	less than 200
veal calves	1,000 or more	300 - 999	less than 300
swine (weighing over 55 pounds)	2,500 or more	750 - 2,499	less than 750
swine (weighing less than 55 pounds)	10,000 or more	3,000 - 9,999	less than 3,000
horses	500 or more	150 - 499	less than 150
sheep or lambs	10,000 or more	3,000 - 9,999	less than 3,000
turkeys	55,000 or more	16,500 - 54,999	less than 16,500
laying hens or broilers (liquid manure handling systems)	30,000 or more	9,000 - 29,999	less than 9,000
chickens other than laying hens (other than a liquid manure handling systems)	125,000 or more	37,500 - 124,999	less than 37,500
laying hens (other than a liquid manure handling systems)	82,000 or more	25,000 - 81,999	less than 25,000
ducks (other than a liquid manure handling systems)	30,000 or more	10,000 - 29,999	less than 10,000
ducks (liquid manure handling systems)	5,000 or more	1,500 - 4,999	less than 1,500

[1] Must also meet one of two "method of discharge" criteria to be defined as a CAFO or may be designated.

[2] Never a CAFO by regulatory definition, but may be designated as a CAFO on a case-by-case basis.